

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DELAWARE TRUST COMPANY, as	:	
FIRST LIEN INDENTURE TRUSTEE,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 17-540-RGA
	:	Consolidated
MORGAN STANLEY CAPITAL GROUP,	:	
INC., J. ARON & COMPANY, LLP, and	:	
TITIAN INVESTMENT HOLDINGS LP	:	
Intervenors/Appellees,	:	Bankruptcy Case No. 14-10979
	:	Adv. Proc. No 15-51239
WILMINGTON TRUST, N.A., in its capacity :	:	BAP No. 17-13
as First Lien Collateral Agent and First Lien :	:	
Administrative Agent	:	
	:	
Defendant/Appellee	:	

**RECOMMENDATION**

At Wilmington this 26<sup>th</sup> day of **June, 2016**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. This matter is related to other bankruptcy appeals which have been removed from mandatory mediation. Further, the parties have requested that this

matter be removed from mandatory mediation.

The parties request the following briefing schedule be entered:

Opening Brief of DTC limited to 40 pages	July 31, 2017
Collective Responsive Brief of of Morgan Stanley, J. Aron and Titan limited to 40 pages	September 15, 2017
Reply Brief of DTC limited to 20 pages	October 2, 2017

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Since the parties requested this matter be withdrawn from mandatory mediation, objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 will not be filed.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE